



Department of Toxic Substances Control



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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS - **DRAFT**

For
Alameda Point - East Housing Parcel
Class 3 Modification
To the
Hazardous Waste Facility Permit

The Department of Toxic Substances Control (DTSC) has approved a Class 3 Modification to the Hazardous Waste Facility Permit request submitted by the City of Alameda relative to the Alameda Point- East Housing Parcel. This discretionary action was undertaken by DTSC pursuant to its authority under Chapter 6.5 and California Code of Regulations section 66270.42. Approval of this permit modification allows for the following:

- Excluding the 87acre East Housing Parcel from the corrective action requirements of the existing facility-wide permit; and
- Re-defining the permitted facility boundary to exclude the East Housing parcel from the existing hazardous waste facility permit.

Date of Approval: 2003

DTSC is acting as a Responsible Agency on this project pursuant to the provisions of the California Environmental Quality Act (CEQA). Prior to reaching a decision on this project, DTSC considered the environmental effects of the project as shown in the following documents:

- Site Management Plan, Fleet Industrial Supply Center, Oakland, Alameda Facility/ Alameda Annex (FISCA) and the Alameda Point East Housing Area, Alameda, California, Environmental Resources Management, April 2002
- Public Review Draft Environmental Impact Report, Alameda Point General Plan Amendment, LSA Associates, Inc., November 2001
- Public Review Draft Environmental Impact Report, Alameda Point General Plan Amendment, Technical Appendices, LSA Associates, Inc., November 2001
- Response to Comments Addendum Catellus Mixed Use Development EIR, LSA Associates, Inc., April 2000
- EIR Response to Comments Addendum for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility, Alameda, California, City of Alameda, March 2000
- Public Review Draft Catellus Mixed Use Development EIR, LSA Associates, Inc., December 1999
- Public Review Draft Catellus Mixed Use Development EIR, Technical Appendices, LSA Associates, Inc., December 1999
- Draft EIR for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility, Alameda, California, City of Alameda, May 1999

The following findings were made by the City of Alameda in conjunction with its assessment of potential impacts related to the East Housing parcel:

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

- No regulated hazardous waste management units exist on the East Housing Parcel;
- No Installation Restoration Program (IRP) sites exist on the East Housing Parcel;
- The East Housing Parcel is not included on the Federal Superfund national Priorities List (NPL);
- Marsh Crust and shallow groundwater contamination is known to exist under the East Housing Parcel. However, no direct human exposure pathways are present.
- Construction activities could potentially expose persons at and near the project site to hazardous materials in the marsh crust and groundwater. The City of Alameda considers this potential to be significant, and requires the following mitigation measures:

Mitigation Measure HAZ-1a: The City shall implement an excavation ordinance that requires a permit or prior approval to excavate to the depth of Marsh Crust at the Project site. The permit or approval shall require the appropriate health and safety and disposal procedures be followed during excavation activities, as required, based on the presence or suspected presence of hazardous materials in the marsh crust, including, but not limited to:

- Restrictions on materials stockpiling.
- Disposal of excavated materials at an appropriate landfill.
- Disposal of extracted groundwater at a wastewater treatment plant or in accordance with Regional Water Quality Control Board (RWQCB) requirements.
- Implementation of a site-specific site management plan for construction activities.

Mitigation Measure HAZ-1b: If the US Navy does not record a restrictive covenant prohibiting the installation of drinking water wells into the shallow groundwater at the project site, the City shall record such a covenant prior to transfer of property. The City shall also record a covenant, prior to transfer of property, prohibiting excavation into the marsh crust without a permit or prior approval where required under the City excavation ordinance and/or similar regulatory measures or Project condition adopted pursuant to Mitigation Measure HAZ-1a.

Mitigation Measure HAZ-1c: Preparation by a qualified registered professional of a Site Management Plan (SMP) for the Project site shall be a condition of approval for the first subdivision map of the Project site. The SMP would provide site-specific information for contractors (and others) developing the Project site that would improve their management of environmental and health and safety contingencies. (The topics covered by the SMP were provided in this Mitigation Measures.). The SMP shall be distributed to all contractors at the Project site; implementation of the SMP shall be made a condition of approval for excavation, building, and grading at the Project site.

- There may be a potential for contaminated subsurface materials to be discovered during development of the Project site. These materials could potentially present a health risk to construction workers and/or future workers and residents at the Project site. The City of Alameda considers this potential to be significant, and requires the following mitigation measures:

Mitigation Measure HAZ-2: An SMP for project site construction (see Mitigation Measure HAZ-1c, above) shall be prepared and implemented.

In response to the above findings, the City of Alameda adopted an Excavation Ordinance (No. 2824) related to excavation into the Marsh Crust/ Subtidal zone at the project site, including the East Housing parcel.

On August 16, 2000 the City and DTSC signed a Memorandum of Understanding (MOU) concerning recordation of environmental restrictions at the Project site, including the East

Housing parcel. Pursuant to this MOU, the City filed a Covenant to Restrict Use of Property (Environmental Restrictions) at the subject site with the Alameda County Clerk on July 17, 2000.

In its role as a Responsible Agency under the provisions of the CEQA, DTSC concurs with the above findings and mitigation measures adopted by the City and subsequent Ordinance, Covenant, and MOU. Using its independent judgment, DTSC determined that these documents adequately addressed potential impacts and mitigation measures to ensure that approval of the Class 3 Permit Modification would not result in significant adverse effects on the environment. No additional DTSC mitigation measures are deemed necessary to approve the Class 3 Permit Modification; no DTSC monitoring plan is required pursuant to Public Resources Code Section 21081.6.

A Notice of Determination (NOD) indicating the results of said findings has been filed with the State Clearinghouse of the Governor's Office of Planning and Research pursuant to Section 15096(i) of the State CEQA Guidelines.

DTSC Branch/ Unit Chief Signature

Telephone #

Date